

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1922

By: Kouplen

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5  
6 AS INTRODUCED

7 An Act relating to agriculture; creating the Weed-  
8 free Hay Certification Act; defining terms; providing  
9 for the promulgation of rules; specifying content of  
10 rules; authorizing the Commissioner of Agriculture to  
11 enter into certain agreements; authorizing the State  
12 Board of Agriculture to accept certain funds and to  
13 enter into certain agreements; providing for  
14 inspection; authorizing certain crops to be certified  
15 in certain circumstances; providing for codification;  
16 and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 3-211 of Title 2, unless there  
20 is created a duplication in numbering, reads as follows:

21 This act shall be known and may be cited as the "Weed-free Hay  
22 Certification Act".

23 SECTION 2. NEW LAW A new section of law to be codified  
24 in the Oklahoma Statutes as Section 3-212 of Title 2, unless there  
is created a duplication in numbering, reads as follows:

As used in the Weed-free Hay Certification Act, unless otherwise  
stated:

1           1. "Hay" means any agricultural forage crop product whether  
2 cultivated or not cultivated, irrigated or nonirrigated, planted or  
3 naturally occurring;

4           2. "Noxious weeds" means those weeds, including any weed seed  
5 or propagative plant parts, designated by the State Board of  
6 Agriculture as noxious and which are prohibited, and shall include  
7 those noxious weeds identified in Section 3-220 of this title;

8           3. "Qualified inspector" means a person qualified to identify  
9 noxious weeds pursuant to standards promulgated by the Board;

10          4. "Weed-free" means any hay certified as free of noxious  
11 weeds; and

12          5. "Weed-free certification" means hay inspected and certified  
13 as free of noxious weeds pursuant to standards adopted by the Board.

14          SECTION 3.        NEW LAW        A new section of law to be codified  
15 in the Oklahoma Statutes as Section 3-213 of Title 2, unless there  
16 is created a duplication in numbering, reads as follows:

17               The State Board of Agriculture shall promulgate rules to carry  
18 out the provisions of the Weed-free Hay Certification Act in  
19 accordance with the Administrative Procedures Act which shall  
20 include, but not be limited to, rules concerning:

21           1. Prohibiting weeds designated as noxious;

22           2. Procedures for certification of weed-free crops;

23           3. Qualification standards for persons seeking designation as  
24 qualified inspectors;

1 4. Crop inspection procedures;

2 5. Treatment procedures for the eradication of viable noxious  
3 weeds from crops;

4 6. Procedures for identifying and tracking certified weed-free  
5 crops; and

6 7. Reasonable fees for obtaining certification.

7 SECTION 4. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 3-214 of Title 2, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. The Commissioner of Agriculture may enter into cooperative  
11 agreements with Oklahoma State University for the purpose of  
12 training qualified inspectors in the identification of those plants  
13 designated as noxious weeds by the State Board of Agriculture.

14 B. For purposes of carrying out the provisions of the Weed-free  
15 Hay Certification Act, the Board may accept funds from any agency of  
16 the federal government and may cooperate and enter into agreements  
17 with any federal agency, any agency of another state, and any agency  
18 of this state or its political subdivisions.

19 SECTION 5. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 3-215 of Title 2, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. Any crop for which weed-free certification is sought shall  
23 be inspected in the field of origin and the inspection shall include  
24 an inspection of any ditches, fence rows, roads, easements, rights-

1 of-way, and buffer zones, as applicable, surrounding the field of  
2 origin.

3 B. Crops containing any weeds designated as noxious may be  
4 certified if certain conditions established in rule by the State  
5 Board of Agriculture are met.

6 SECTION 6. This act shall become effective November 1, 2009.

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